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REMARKS

Applicants have carefully reviewed and considered the May 1, 2007 Office Action. Applicants wish to express appreciation to the Examiner for the substantive allowance of claims 2 and 3 as set forth in that Office Action. In response to the Office Action the applicants request reconsideration of the patentability of independent claim 1. In addition, substantively allowed claim 2 is now rewritten in independent form as new claim 27. This claim should be in condition for formal allowance. This amendment is submitted with a request for a two-month extension of time to respond to the Office Action.

Rejection of Claims 1, 4-10, 14-24 and 26 under 35 USC §103(a) as Being
Unpatentable Over the Brown et al. Article When Considered in View of U.S.
Patents 4,341,566 to Barret and 5,830,251 to Simpson

The Brown et al. article teaches, "crushing waste glass to form a glass powder, mixing the glass powder with an additive (notably a binder and water), forming the powder mixture into the desired shape, and firing the resulting piece to produce a product having ceramic-like properties (page 2165, last paragraph of the first column through the second column)." Further, the Brown et al. article teaches that soda lime glass may be used in the process. The Brown et al. article does not teach the method of using fiberglass waste as the starting material in this process. However, the Examiner argues that, the Barret patent discloses that glass fibers may be made from soda lime glass. The Examiner then argues that the Simpson reference teaches treating a mixture of ceramic powder and additives in a ball mill to form a free flowing granular feed.

Applicant does not agree that the current combination of references supports a rejection of these claims. Brown does not teach or suggest to one skilled in the art that any type of waste glass may be utilized in the process disclosed. Clearly, specific glass formulations and contaminants in the glass determine whether or not a waste glass is suitable for processing in accordance with the Brown et al. article. At column 1 on page 2164, the Brown et al. article explicitly notes that mixtures of oxidized glass

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and reduced glass cause foaming problems in the glass tank when melted together. This demonstrates that all glasses are not suitable for recycling as suggested by the Examiner.

Significantly, glass fibers typically have a sizing coating. As set forth at paragraph 3 in patent publication no. US 2006/0057319 A1 to Gleich et al. (already of record) "the sizings are known and normally contain a coupling agent such as one or more silanes, one or more lubricants and one or more film formers or binders, and can contain other ingredients such as dispersants, fillers, stabilizers and others." Glass fiber formulations may also differ significantly from typical waste glass product. For example, as known in the art, D-glass is a high-boron-content glass.

The sizings, the chemical remnants of the sizings and even the composition of the glass fibers could very easily render them unsuitable for use in the process disclosed in the Brown et al article. Whether considered alone or in combination, the references simply do not lead one skilled in the art to arrive at the claimed invention.

The Examiner has acknowledged that the Brown et al. article does not teach the method of using fiberglass waste as the starting material in any process for making a ceramic product. Further, since the Brown et al. article does not teach that "any glass" may be used in such a process it doesn't teach or suggest to one skilled in the art that fiberglass waste may be used. While it is true that the Barret reference teaches that some glass fiber is made from soda lime glass, Barret doesn't teach that soda lime glass fibers will work in the Brown et al process. Clearly Barret doesn't take into consideration the presence of sizings and other materials used to treat glass fibers and how they could detrimentally affect the process. As such, even if combined with the Brown et al article as suggested by the Examiner, the references fail to lead one skilled in the art to the currently claimed invention. Accordingly, claim 1 patentably distinguishes over this combination of references and should be formally allowed. Claims 4-10, 14-24 and 26 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons.

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Rejection of Claims 11-13 and 25 under 35 USC 103(a) as Being
Unpatentable over the Combination of Brown et al., Barret and
Simpson in view of U.S. Patent 5,792,524 to Lingart

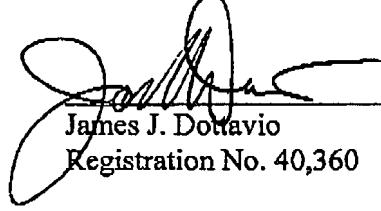
As noted above, the primary reference to Brown et al in combination with the Barret and Simpson references fails to teach or suggest using fiberglass waste in any method for making a ceramic product. Applicant fails to note where the secondary reference to Lingart et al. teaches or addresses the shortcomings noted above with respect to these references. Accordingly, the combination of references fails to provide a proper basis for the rejection of these claims and they should be allowed.

Conclusion

In summary, all of the pending claims patentably distinguish over the art and should be formally allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal notice of allowance is earnestly solicited.

If any fees are due in connection with the filing of this response, including any fee for a required extension of time under 37 CFR 1.136(a) for which Applicant hereby petitions, please charge all necessary fees to Deposit Account No. 50-0568.

Respectfully submitted,



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